

Application No. 10/623,401
Paper Dated: July 18, 2006
In Reply to USPTO Correspondence of June 20, 2006
PPG Case No. 1773A1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/623,401 Confirmation No. 4641
Applicant : MEHRAN ARBAB et al.
Filed : July 18, 2003
Title : ARTICLE HAVING NANO-SCALED STRUCTURES
AND A PROCESS FOR MAKING SUCH ARTICLE
Group Art Unit : 1762
Examiner : Howard R. Abramowitz

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AND ELECTION

Sir:

In response to the Restriction/Election dated June 20, 2006, Applicants elect Group I (claims 1-17), with traverse, for the following reasons.

The Examiner states that the pending application contains claims directed to two patentably distinct species, namely, Group I (claims 1-17) drawn to a method, and Group II (claims 18-29) drawn to a product. According to MPEP § 803, one of the requirements that must be met before a proper restriction requirement may be made is that there must be a serious burden on the Examiner if restriction is not required. Applicants believe a search with respect to one of these groups would necessarily be co-extensive with the search directed to the other group and, therefore, would not cause any undue burden on the Examiner. Applicants respectfully request that all of the claims be examined together. However, should the Examiner maintain the restriction requirement, Applicants elect Group I (claims 1-17) for initial prosecution on the merits.

Respectfully submitted,

ANDREW C. SIMINERIO
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Attorney of Record

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 18, 2006

Date

Signature

Sheila L. Adams

Typed Name of Person Signing Certificate

412-434-4645

Pittsburgh, Pennsylvania

July 18, 2006